

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JOANNE PEDRANGHELU,

Plaintiff,
-against-

CHRISTMAS TREE SHOPS, a wholly owned subsidiary
of BED BATH & BEYOND, INC., **NOTICE OF REMOVAL**

Defendant-Petitioner.

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TO: THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

Defendant-Petitioner, CHRISTMAS TREE SHOPS, a wholly owned subsidiary of BED BATH & BEYOND, INC. (hereinafter "CTS"), files this notice to remove the foregoing case to the United States District Court for the Eastern District of New York, New York division, and respectfully shows this Court:

1. A civil action was commenced in the Supreme Court of the State of New York, County of Nassau in which the above-named individual, JOANNE PEDRANGHELU, is the plaintiff and the petitioner, CTS, is the defendant. The action is entitled Joanne Pedranghelu v. Christmas Tree Shops, a wholly owned subsidiary of Bed Bath & Beyond, Inc., and bears state court Index Number 601671/2018.

2. This civil action arises from an incident that allegedly occurred on February 13, 2015 when plaintiff claims she was injured at a CTS store located at 1150 The Arches Circle, Deer Park, New York. Plaintiff seeks damages allegedly caused by the defendant-petitioner's negligence. Plaintiff demands a judgment awarding damages in the amount of \$1,000,000.00. Accordingly, the amount in controversy in this suit is in excess, exclusive of interest and costs, of \$75,000.00.

3. The above action was commenced against CTS on or about February 5, 2018 (see a copy of the Summons and Complaint, annexed as **Exhibit "A"**).

4. On March 5, 2018, CTS served a verified answer, a copy of which is annexed as **Exhibit "B"**, along with a demand for ad damnum, a copy of which is annexed as **Exhibit "C."** On November 26, 2018, CTS' counsel received plaintiff's response to its demand for ad damnum, which request an award in the amount of \$1,000,000.00 (see a copy of plaintiff's discovery response, annexed as **Exhibit "D"**).

5. This action is one of which the District Courts of the United States have original jurisdiction under 28 U.S.C. § 1332 and 28 U.S.C. § 1441. There is diversity of citizenship between the plaintiff and the defendant.

6. Plaintiff, Joanne Pedranghelu, is now, and was at the time said action was commenced, a resident and domiciliary of Nassau County, New York.

7. Defendant-petitioner, CTS, is now, and was at the time said action was commenced, incorporated pursuant to the laws of the State of Massachusetts with its principal place of business in New Jersey.

8. As CTS' counsel received plaintiff's response to its demand for ad damnum on November 26, 2018, this motion is timely.

9. Written filing of this motion will be given to the plaintiff promptly after the filing of this motion, as is required by law.

10. A true and correct copy of this motion will be filed with the Clerk of the Supreme Court of the State of New York, Nassau County promptly after the filing of this motion, as is required by law.

13. Attached to this motion, and by reference made a part hereof, are true and correct copies of all process, pleadings and orders filed in the aforesaid action. (see, **Exhibits A through D**, and **Exhibit "E"**, which is a copy of the Preliminary Conference Order).

14. By filing this Notice of Removal, petitioner does not waive any defense which may be available to it, specifically including, but not limited to, its right to contest in personal jurisdiction over the petitioner, improper service of process upon the petitioner, and the absence of venue in this Court or in the court from which the action has been removed.

WHEREFORE, petitioner prays that this action proceed in this Court as an action properly removed thereto.

Dated: White Plains, New York
December 5, 2018

Yours, etc.

WILSON, ELSEY, MOSKOWITZ, EDELMAN & DICKER LLP

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